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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION N
10/622,161	07/17/2003	Casey J. Tubman	US20020115	2173
173	7590	10/01/2004	EXAMINER	
WHIRLPOOL PATENTS COMPANY - MD 0750			SMITH, JAMES G	
500 RENAISSANCE DRIVE - SUITE 102			ART UNIT	
ST. JOSEPH, MI 49085			PAPER NUMBER	

3765

DATE MAILED: 10/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/622,161

Applicant(s)

TUBMAN ET AL.

Examiner

James G Smith

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 9-11, 13 and 15-17 is/are rejected.
- 7) ☒ Claim(s) 6-8, 12, 14 and 18-20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 07172003
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claims 18 and 19 are objected to because of the following informalities: Claims 18 and 19 both depend from Claim 15 and refer to "the ...cover arms", however cover arms are not introduced until Claim 16. Examiner has assumed for this Office Action that Claims 18 and 19 were intended to depend from Claim 16. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5, 9, 10, 15, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Needles (2,716,512). With respect to Claims 1, 9, 10, 15, and 17, Needles discloses a clothes hanger with a hook portion, first and second main arms (6) extending from the hook portion forming an adjustment element, first and second adjustable arms (9) that are movably connected with a respective main arm (6) having a locator element (10) engageable with a respective adjustment element, and first and second cover arms (7) each connected with a respective adjustable arm (9) and a respective main arm (6). With respect to Claims 2 and 11, the first and second cover arms (7) are each pivotally connected (8) with a respective main arm (6) and movably connected with a respective adjustable arm (9). With respect to Claim 3, the periphery of the primary arms provide a primary track for the primary sliding member of the adjustable arm to move along as shown in the cross-sectional view of FIG. 4. With respect to Claim 4, each

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adjustable arm (26) has a series of notches (29) forming a secondary track and the first and second cover arms (24) have a secondary sliding member (27) that is movably connected to the notches (29) of the adjustable arm. With respect to Claim 5, the series of notches (29) in the adjustable arm (26) along the length of the main arm (23) create an adjustment element.

4. Claims 9, 13, 15, and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Hansen (2,724,533). With respect to Claims 9 and 15, Hansen discloses a garment hanger a hook member (10), first and second main arms (20 and 22) extending from the hook portion with an elongated slot (28) having teeth (30) along the upper edge to serve as a primary track, first and second adjustable arms (24 and 25) that are movably and pivotally connected with a respective main arm by cross-pins 31 and 32. With respect to Claim 13, the elongated slot 28 with a series of teeth (30) serves as an adjustment element on the main arms. With respect to Claim 16, the garment hanger disclosed by Hansen includes a junction (12) connecting the first and second main arms.

5. Claims 6-8, 12, 14, and 18-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter: Claims 6, 7, 14, and 20 all specifically require the adjustable garment hanger further include a cross bar that extends between the main arms. The prior art of record discloses cross bars extending between the adjustable arms instead of between the main arms. Claim 8 further requires the hanger of Claim 1, with first and second cover arms connecting an adjustable arm and a main arm, to include a primary sliding member to allow the adjustable arm to slide and

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pivot. With respect to Claim 12, further requires the hanger of Claim 10 to include a secondary track along the adjustable arms and a secondary sliding member along the cover arms movably connected with a respective secondary track.

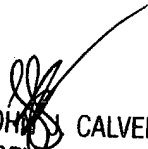
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James G Smith whose telephone number is 703-605-4225. The examiner can normally be reached on 8:00-5:00, off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John J Calvert can be reached on 703-305-1025. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JGS
9/29/2004


JOHN J. CALVERT
SUPERVISORY PATENT EXAMINER
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